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Connection: Ombudsman Ontario
Newsletter

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Ombudsman Announces Recipients of Complaint Resolution Awards

Roberta Jamieson, Ontario's Ombudsman, recently announced the names of four recipients of the 1999 Ombudsman Complaint Resolution Recognition Award. This programme recognizes outstanding public service in complaint resolution provided by governmental organizations or their employees in working cooperatively with the Ombudsman office. The recipients for this year are:

- Mr. Denis Gauthier
Classification Officer, North Bay Jail, Ministry of the Solicitor General and Correctional Services
- Mr. Brian Kusunoki
Client Service Associate, Family Responsibility Office, Ministry of the Attorney General
- Ms. Angela Litrenta
Medical Coordinator, Driver Improvement Office, Ministry of Transportation
- Mr. Anthony Valaitis
Deputy Superintendent, Operations, Toronto East Detention Centre, Ministry of the Solicitor General and Correctional Services

"These are four individual public servants who have made a significant contribution to resolving complaints brought forward by the public. They have worked co-operatively with our office to ensure fair and equitable treatment in government service," said Ms. Jamieson. "Their efforts are deserving of public recognition and I am pleased to applaud their work on behalf of the people of Ontario."

This is the second year of the Ombudsman awards programme. It was inaugurated last year when four first-time recipients were recognized. The recipients were nominated by Ombudsman staff and chosen by a



Complaint Resolution Award recipients with Ombudsman Roberta Jamieson, left to right: Mr Anthony Valaitis, Mr. Denis Gauthier and Mr. Brian Kusunoki. Absent from photo, Ms. Angela Litrenta.

committee chaired by the Ombudsman. The committee applied the following complaint resolution criteria in its selection process:

- demonstrating leadership in informal problem solving and early resolution of complaints;
- initiating innovative approaches to promote alternative dispute resolution;
- encouraging the application of systemic and system-wide problem solving;
- providing exceptional responsiveness and cooperative service during the investigation process.

The recipients were presented with a certificate of recognition at an event held on March 30th at the Ombudsman's Toronto office. Representatives of the three Ministries were also involved in attendance to meet with Ombudsman staff.

Ombudsman Co-Hosts Era of Change event

Roberta Jamieson, Ontario's Ombudsman, is co-hosting a two-day conference in Toronto April 14-16 to focus attention on critical issues of urgent public interest. "Governance, Accountability and Human Rights in an Era of Change" will bring together a distinguished gathering of panelists and delegates from a broad range of sectors across Canada to explore a number of vitally important topics.

Conference workshops include "Public Service: Changing Imperatives"; "Privatization and the Public Interest"; "Sustainable Models of Accountability"; and "The Media: Agent of Democracy or Bystander?" These sessions will be supplemented by keynote addresses to

Continued on page 2

Case Stories

In each edition of this newsletter, we re-print a sample of case stories from our most recent annual report. The following stories reflect three different types of complaints involving a variety of outcomes resulting from action taken by the Ombudsman's office. The next edition of our newsletter will be the Annual Report edition, containing highlights from the report to be tabled with the Legislature within 90 days following the end of the fiscal year at March 31, 1999.

MINISTRY SEEKS BETTER WAY

Ms. L complained to the Ombudsman that the Ministry of Natural Resources had acted unreasonably with respect to road access across her property. The road, which extends from a provincial highway, is used as a driveway by Ms. L to gain access to her property. The same road is used by others occupying Crown land and private lands near her property. The road is located in such close proximity to her residence that open public access had caused serious health and safety concerns for her family.

The Ombudsman investigated and found the Ministry had in the past taken certain actions, including having discussions about alternative access for the other users of the road, and making a proposal to resolve the problem that was later withdrawn. These efforts created a reasonable expectation the Ministry would play a role to resolve this dispute. Eventually, the Ministry conducted a mediation of the dispute involving all affected parties in an attempt to find a solution to a long-standing problem. The Ministry apologized to Ms. L for making an earlier offer which it could not fulfill, and agreed to find a better way of informing land use permit holders that those individuals are responsible for obtaining access to Crown lands.

TENANT'S RENT PENALTY REDUCED

Ms. L, a tenant of a District Housing Authority, contacted the Ombudsman and indicated that the Housing Authority's request for payment of \$590 for failing to give a 60-day notice of intent to vacate her apartment was unreasonable. Although she was aware that she was in violation of her lease agreement by only giving 30 days notice, the complainant felt this was justified because the apartment had been in a state of disarray when she moved in. She also stated that she understood from an employee of the Housing Authority that she would not be penalized for giving short notice.

The Ombudsman's office contacted the Housing Authority and was advised that the complainant's unit had been rented until March 1, 1997. The tenant had vacated the apartment on February 1, 1997. After exploring the possibility of a negotiated settlement, the Housing Manager agreed to refer the matter to the Board of Directors. The Ombudsman was subsequently advised that the Board agreed to reduce the penalty by half to \$295. This was the amount of one month's rent for which the Housing Authority was out of pocket for the month of February. The complainant agreed to the Housing Authority's request that the amount be paid within a year and the matter was resolved.

STUDENT ELIGIBLE FOR FUNDING

Mr. M complained that the Ministry of Education and Training unfairly denied funding under the Territorial Student program to allow his daughter to enroll in advanced Grade 10 courses in Thunder Bay. The Ministry provides funding to students who must live outside their smaller communities to attend high school. Although the local school board wrote a letter to the Ministry confirming that the student's high school did not offer the advanced high school stream, the local Ministry office refused to provide funding.

Mr. M paid for his daughter to attend the advanced high school stream in Thunder Bay, and asked the Ombudsman to investigate. After receiving the Ombudsman's letter of intent to investigate Mr. M's concerns, Ministry officials in Toronto reviewed Mr. M's case. This review confirmed that Mr. M's daughter was eligible to receive Territorial Student funding to pursue advanced Grade 10 courses in Thunder Bay, as these courses were not available in her local community. The Ministry offered to reimburse Mr. M for his expenses, in accordance with Ministry policy. Mr. M accepted the offer.

Conference (from page 1)

be delivered by Patrick Watson, "Democracy in a Changing World" and by a group of students from Victoria University, "Young and Engaged."

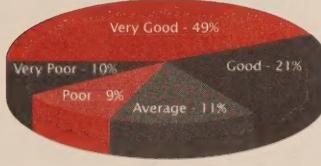
Ms. Jamieson is co-sponsoring this event with Roseann Runte, president of Victoria University and Errol Mendes, director of the Human Rights Research and Education Centre at the University of Ottawa. Funding support to assist the participation of a number of international delegates is being provided by the Canadian International Development Agency.

Ombudsman Client Survey Produces Positive Results

In a telephone survey conducted earlier this year of more than a thousand clients of Ombudsman Ontario, respondents expressed general satisfaction with their experience in bringing forward a complaint or inquiry to the Ombudsman. The survey sample was compiled from clients who had a file closed with the Ombudsman's office in the 18-month period prior to the survey. Respondents were asked a range of questions designed to examine the point of view of clients in describing and assessing their contact with the Ombudsman's office.

An overwhelming majority – 89% – of those surveyed felt it is important to have an Ombudsman's office in Ontario to

Compared to your experience with provincial government services, how would you rate your experience with the Ombudsman's office?



receive complaints about agencies of the provincial government. Responses to related evaluation questions also showed a very high rate of 70% expressing positive feedback. When asked about the assistance they received by the Ombudsman's office, 55% rated the service "very helpful" and another 15% rated it "somewhat helpful". In response to an additional question asking for a comparison with provincial government services, 49% rated their experience "very good" and another 21% described it as "good".

These results reflect a variety of types of service clients received from the Ombudsman. Responses were often consistent with the degree of involvement or support undertaken by the Ombudsman's office. For instance, clients whose complaint or inquiry fell outside the Ombudsman's jurisdiction, or for whom the final outcome was not favourable – this group comprised almost half of the survey population – were

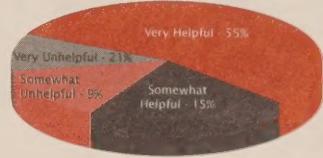
generally less likely to express satisfaction with the process. By contrast, satisfaction rates were extremely high among those whose complaints were jurisdictional and who received a favourable resolution as a result of assistance provided by the Ombudsman. For example, among this group, 74% of respondents reported their experience as good or very good in comparison with provincial government services.

The most common form of initial contact with the Ombudsman's office was by phone (72%). During this first contact, a very high majority (88%) felt the staff person who initially handled their inquiry understood the issue they were bringing forward. At this stage of their contact, 79% of respondents indicated they had been adequately informed by Ombudsman staff about what the Ombudsman could and could not do on their behalf. A further 93% said they clearly understood the information they were given at this stage. An overwhelming majority of respondents indicated they had no difficulty in finding information about contacting the Ombudsman's office. The most frequently mentioned sources of information were family and friends (29%) and the media (19%).

Some clients expressed frustration with the limitations on the Ombudsman's authority or indicated that their expectations in bringing forward a complaint were not met. This gap between individual expectations and the outcome of the complaint process was reflected in evaluative responses to an open-ended question where clients were asked for suggestions on how the Ombudsman's service could be improved. Many of these responses suggested

greater flexibility should be encouraged to allow for closer, more extensive personal contact with staff members, resulting in more individualized service.

On a scale of 1 to 10, where 1 is "not at all helpful" and 10 is "extremely helpful" how would you rate the help received from Ombudsman staff at this stage of your complaint?

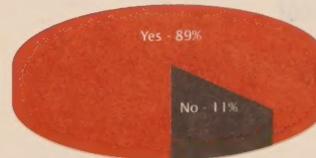


Many respondents suggested more resources be given to the Ombudsman's office and greater effort be made to increase the public profile, authority and mandate of the Ombudsman.

The survey sample reflected the Ombudsman's client base, and showed a comparatively high proportion (in relation to the general population) of people from Northern Ontario, Aboriginal/ First Nations individuals, sole-support parents, individuals with a disability and people who report less than \$30,000 annual household income. It also showed a comparatively low proportion of individuals from the Toronto and Central Ontario regions, East, Southeast and South Asian individuals, and those who reported their highest level of education as less than a high school diploma.

The survey was conducted by an external consultant. All Ombudsman clients, except inmates of correctional facilities, were included in the randomly generated database. Questionnaires were administered to follow the stages of the complaint process for each respondent, from first inquiry to early resolution through to formal investigation. The survey was undertaken as part of an overall evaluation of Ombudsman services and operations. The results will be used as a baseline data project to enhance capacity for further evaluation in the future and to support efforts to improve the delivery of Ombudsman services to the public.

Do you feel that, in your experience, it is important to have an Ombudsman's office in Ontario?





Public education with seniors

Pam Young, an Ombudsman Representative based in the London regional office, is shown here in the Ombudsman information booth at the Seniors Expo, held in Windsor for two days in October. Ombudsman public education efforts are focused on equity outreach, working with groups particularly in need of information about our services.

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Who We Are

Ombudsman Ontario helps people resolve problems by investigating complaints they have with provincial government ministries, agencies, boards, commissions and tribunals. The office cannot deal with matters regarding federal or municipal government, the courts, school boards and the private sector. Ombudsman Ontario is independent of the government and is a place of last resort when other approaches to resolve complaints have been tried. Services provided are confidential.

About our logo

This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms are coming together: one each for the public, the government and our office.



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New Client Access Centre a Success

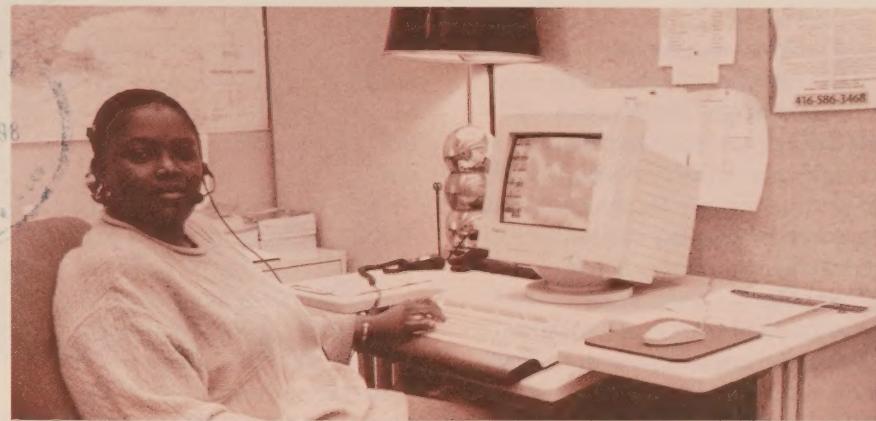
For most public sector organizations these days, nothing seems so constant as change. The Ombudsman's office is no different. As part of a two-year restructuring of operations, Roberta Jamieson, Ontario's Ombudsman, announced in March of this year that telephone intake services across the province would be centralized through a new Client Access Centre located in Toronto.

This re-organization of service coincided with the closure of a number of regional offices and other measures resulting from reductions in the Ombudsman's funding allocation by the Ontario legislature. The introduction of province-wide English and French 1-800 numbers occurred after many months of planning and preparation. By all accounts, the transition has been very smooth and successful.

Alison Irons, the Centre's manager, described the new centre as a "user-friendly" service. "Our experience during the first six or seven months has been a very positive one. We hired and trained new staff on the basis of a commitment to provide personal, accessible service that takes into account the needs of every individual caller. There are always technical glitches in starting up something new, but overall, we're proud of what we've achieved."

Ms. Irons reported that a preliminary review of statistics on calls handled during a 10-week period indicated the Ombudsman's service standards were being met. This information provided a snapshot of activity at the centre:

- An average weekly call volume of 558
- An average ring time of seven seconds
- Personal response given to a ringing phone line within 10 seconds, 89% of the time
- Average duration of calls, three to five minutes



Naomi Maluma-Bambara, an Ombudsman Client Access Representative, works the phones as part of a dedicated staff team.

Independence key to Ombudsman credibility

Accountability is a key concept in our democracy. Increasingly, news reports focus on the activities of ombudsman offices being established in a variety of sectors to provide increased methods of accountability. There are numerous examples: the federal government has recently created a military ombudsman; the Canadian banks have been promoting new ombudsman procedures; the Financial Services Commission of Ontario has a new Insurance ombudsman; and the CBC ombudsman has been making news on high-profile issues of public interest.

While many of these organizations are attempting to address the importance of effective internal complaint resolution, they are at the same time limited in their ability to provide impartial, independent and thorough investigation of complaints. If an ombudsman office is ultimately accountable to the very institution it is a part of, and against which complaints are received, the public may not accept that its findings are arrived at independently. Hence, the credibility of its operations may be seriously questioned. It is for this reason that in

the public sector legislative model, the institution exists outside the operations of the government of the day.

In her 1997-98 annual report, Roberta Jamieson, Ontario's Ombudsman, called for an extension of ombudsman functions in Ontario to include municipalities, hospitals and Children's Aid Societies. But in doing so, she emphasized the vital importance of ensuring that effective procedures are established by legislation to guarantee independence and full investigative authority, as well as confidentiality. Ms. Jamieson has also joined with her provincial Ombudsman colleagues across Canada to call for the establishment of a general federal Ombudsman. Such an office would have jurisdiction to review complaints about the activities of all federal public bodies. In correspondence with Prime Minister Chretien about the proposed military ombudsman, Ms. Jamieson expressed concern that this office would report to the Minister of Defence, and as a result not be fully independent in its activities.

Ms. Jamieson is the North American vice-president of the

Case story

Ministries join efforts to secure funding

Every year in her annual report, Roberta Jamieson publishes a sample of complaints received that reflect a variety of results involving action by the Ombudsman. We are re-printing below one important case which included an undertaking of follow-up activity by the government Ministries involved.

Ms W contacted the Ombudsman when she learned that neither the Ministry of Health (MOH) nor the Ministry of Community and Social Services (MCSS) would provide funding for the residential placement of her adolescent step-daughter, who has severe physical disabilities. Despite community resources that had been made available, Ms. W found the services did not relieve the stress experienced by the family in caring for her step-daughter. A senior psychometrist recommended residential placement for the step-daughter in light of Ms. W's depression and physical exhaustion, but when Ms. W sought residential placement, she found the costs prohibitive. Ms. W contended that the lack of funding for residential placement of children with physical disabilities was unreasonable, particularly since such funding is available for children with developmental disabilities.

Independence

(from page 1)

International Ombudsman Institute (IOI), an organization of legislative officers who work together to promote the values of ombudsmanship throughout the world. At the most recent world congress of the I.O.I. in 1996, delegates adopted a declaration re-affirming four essential characteristics of the Ombudsman institution: independence, accessibility, credibility and flexibility. Because legislative Ombudsman offices are granted their authority by law, this model is not always applicable to many complaint-handling mechanisms, particularly those in private sector corporations. While the growing attention to the importance of complaint procedures may be a positive development overall, it is necessary to recognize that not all ombudsman offices meet the test of independence and impartiality.

In response to the Ombudsman's notice of her intention to investigate Ms. W's concerns, the MOH stated that the responsibility for residential services for children rested with the MCSS. The MCSS, in turn, advised that the MOH had responsibility for children's treatment centres and specialized residential programs.

On the basis of information obtained in the investigation, the Ombudsman found that it was not acceptable for the MOH and the MCSS to avoid the system-wide issue of funding for the residential placement of children with physical disabilities by pointing to the other as the responsible party. Accordingly, the Ombudsman notified the two Ministries that she was considering issuing a report with a conclusion that the omission of the Ministries to address the issue was unreasonable and that she was considering a recommendation that the two Ministries work together to resolve the issue of specialized funding for the placement of children with physical disabilities where such a need is identified.

The Ministries responded jointly to the Ombudsman's findings. They reported a case conference had been held with Ms. W, representatives of both Ministries and several community-based agencies. As a result, three possible placements outside the family home were being investigated and the family was, in the interim, being provided increased services, including weekend respite. The Ministries also indicated their desire to provide appropriate services to children with physical disabilities in the family home whenever possible. The Ministries acknowledged, however, that there are some clients who require other approaches, and they undertook to develop methods to improve the response to such requests for services.

The Ombudsman's follow-up with Ms. W confirmed that her step-daughter had received a temporary placement in a group home. Ms. W also confirmed that arrangements were underway for her step-daughter to move to more suitable housing closer to the family and that funding would be available for attendant care, supplies, respite and rent. The Ombudsman found, as a result of these initiatives, the Ministries had responded appropriately to the concerns raised by Ms. W. Before closing the file, the Ombudsman asked the Ministries to advise her of the outcome of their discussions and the details of the methods they adopt to address similar cases in the future.

Client Access

(from page 1)

When a phone call is not answered by an access centre representative, there is a voice-messaging menu which includes general information about the Ombudsman's role and services, and some common referral information. All voice mail messages are returned within 24 hours. For equitable access, a special translation feature is available, which enables persons who require assistance in other than English or French to be immediately plugged into a three-way call to a translation service.

For those calls to the access centre that are not within the Ombudsman's jurisdiction, Ms. Irons emphasized the importance of the centre's referral function as a vital service to clients who are not sure where to turn for assistance. "Through this service we provide basic information which enables people to take their concern to the right place. We are also able to focus other Ombudsman resources directly on those complaints within our jurisdiction. In this way we have achieved an important efficiency goal."

Overall, the introduction of the Client Access Centre has strengthened the ability of the Ombudsman's office to carry out its mandate within the context of a smaller organization. A more detailed description of the operation of the centre will be presented in the Ombudsman's annual report at the end of the fiscal year, 1998-99.

Roberta Jamieson elected as first president of Canadian Ombudsman Association

Call issued for federal Ombudsman, Commissioner of Aboriginal Affairs

Roberta Jamieson, Ontario's Ombudsman, was elected the first President of the Canadian Ombudsman Association at the organization's founding meeting at the end of June in Yellowknife, NWT.

The Association adopted a number of main purposes, including the promotion and creation of independent legislative Ombudsman offices at the federal, provincial, territorial, municipal and other local levels; the strengthening of Ombudsman offices throughout Canada; and the collaboration with regional and international ombudsman organizations to promote fairness and good governance, including respect for fundamental human rights.

The provincial, territorial and local participants attending the meeting also resolved to call upon the Government and Parliament of Canada to establish a federal general Ombudsman. This would enable the people of Canada to exercise their democratic right to independent review and investigation when they believe their



Roberta Jamieson

right to fair treatment has been infringed by federal public bodies.

The participants also recognized the need for the Government and Parliament of Canada to take definitive action regarding the social, economic, cultural and constitutional issues facing aboriginal peoples. In particular, they called for the establishment by legislation of a Parliamentary Commissioner of Aboriginal Affairs. The mandate of this independent Commissioner would be to redress unfair federal administrative decisions and policies which have a detrimental impact on aboriginal peoples.

Three year Ombudsman strategic plan adopted

Earlier this year, Ombudsman Ontario adopted a three-year Strategic Plan, which sets out an ideal vision for the organization in the year 2001. The plan establishes a focus for the first two years, and outlines a detailed workplan to achieve targeted goals. The workplan for the third year will be established following an evaluation of initial outcomes. This plan, which follows two years of dramatic restructuring of Ombudsman operations, was recently distributed to the members of the Ontario Legislature's Standing Committee on the Ombudsman. Copies are available by contacting an Ombudsman office.

Client survey to be administered

As part of the introduction of an overall program evaluation system, Ombudsman Ontario will soon be administering a Client Survey, in an attempt to analyze all aspects of the organization's delivery of services to the public. This survey will be designed to sample a broad range of clients and to assess their experience with a variety of complaints and outcomes. It is expected the survey will be conducted in January.

Agent for Justice video still available

The video produced earlier this year as part of the Ombudsman's equity outreach program is available for loan to community organizations and individuals who want to know more about the services provided by ombudsman offices. "Agent for Justice" (a translation of the Swedish word "ombudsman") is eleven minutes long and has been featured on a number of community cable TV programs. The video is a general information tool, featuring interviews with Roberta Jamieson and a number of Ombudsman staff. It is available from any of the six Ombudsman regional offices.

"Strive by teaching and education to promote respect for these rights..."

December 10, 1998 is the 50th Anniversary of the adoption of the United Nations Universal Declaration of Human Rights. Ombudsman Ontario has been actively involved throughout the past year in working with others to promote the celebration of this anniversary. The following excerpt is from the preamble to the Declaration. The full text is at the U.N. website www.unhchr.ch/.

The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to

promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of the Member States themselves and among the peoples of territories under their jurisdiction.



Plowing Match Outreach

Marc Despatie, an Ombudsman Representative, is shown here in the Ombudsman booth at the annual International Plowing Match, held in September of this year in Sunbury, outside of Kingston.

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To all our readers:

*Peace
and
Goodwill
through 1999*

from:
*Roberta Jamieson
and the staff at
Ombudsman Ontario*

Who We Are

Ombudsman Ontario helps people resolve problems by investigating complaints they have with provincial government ministries, agencies, boards, commissions and tribunals. The office cannot deal with matters regarding federal or municipal government, the courts, school boards and the private sector. Ombudsman Ontario is independent of the government and is a place of last resort when other approaches to resolve complaints have been tried. Services provided are confidential.



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ANNUAL REPORT EDITION

OMBUDSMAN'S MESSAGE

These are times of rapid and profound change in the governance of Ontario. As Ombudsman, I am uniquely positioned to observe the impact of change on both the people of Ontario, and on the public service which serves them. Where situations exist in which people believe they have been treated unfairly by government, I have a legislated responsibility to take appropriate action.

The responsibility of acting is not mine alone, however. The people of Ontario who wish to see a high quality of public administration have a responsibility to act. The Legislature collectively, and its Members individually, also have a responsibility to act. This Annual Report calls to the attention of both the public and the Legislature a number of concerns so that we may all work together in improving public administration in Ontario.

The fundamental issue, as I see it, is the challenge of keeping government accountable to the people. In particular, this means ensuring that fair and equitable service is provided by all public institutions, and the right to independent resolution of complaints is preserved and enhanced.

The fiscal year 1997-98 was tumultuous. We are in the midst of what the government itself has described as a

revolution, with the stated intention of delivering the highest quality service through the most efficient means. Unfortunately, what sounds like a reasonable goal is too often translated into a single focus on the bottom line of saving dollars and cents. Through down-sizing, right-sizing, contracting out, privatizing, streamlining, and restructuring, dramatic cutbacks and shifts in resources have occurred. Some of these results have evidently met with public approval. Other consequences are seen as damaging and worrisome by both the public at large, and those who serve us as public servants.

From my vantage point, it is apparent that there is some acceptance by the people of Ontario that our public services will shrink as a result of the focus on achieving cost savings. At the same time, there is a general expectation by individuals that when they come in contact with a government agency, there will continue to be a high standard of service to which they are entitled. Indeed, the government actively promotes this expectation, with assurances that high quality public service is a priority.

For public servants, there remains a strong dedication to provide the highest standard of service possible, and a continuing pride in their vocation. Increasingly, however, officials are reporting that they do not have the resources required to deliver services at the standard they seek to uphold, and for which the government says they are accountable. There is an urgent need in this situation for a reality check.



Roberta Jamieson
Ontario's Ombudsman

An increasingly obvious gap

For everyone working in public service these days, the emphasis is on figuring out how to deliver "core service". Anything that is not on a list of essential items is relegated to discretion when funds permit, or left to another agency or another level of government to deliver, if at all. Even the list of essentials is often negotiable - public servants are usually looking ahead to those items likely to be lost with the next round of cuts.

Despite their best efforts, public servants have no control over the gap between what the public expects and what the public service can deliver. This increasingly obvious gap threatens to become a gulf. Many agencies and their employees have long since exhausted their ability to do more with less. They are frequently in such short supply of human and other resources that the challenge is not only to maintain minimal standards of service, but to preserve their credibility in an extremely stressful environment.

Coping has become a major pre-occupation. Burnout in the public service is a fact of life. It is common for public servants to feel that neither the public nor government decision-makers appreciate

ABOUT THIS NEWSLETTER

This is the Annual Report edition of Connection. It contains the highlights of information presented to the Legislature by the Ombudsman. Copies of the Annual Report are available through our contact information on the back page. It is also posted on our Website at www.ombudsman.on.ca.

their work. The continuing departure of colleagues, combined with long hours in an atmosphere of low morale, and a sense of insecurity about their own future, are not conditions that promote productivity. And no organization can easily compensate for the loss of valued institutional memory and expertise.

These circumstances create an unfortunate loop of failure when public servants who strive to deliver results are held back by the limits on their capacity. They may, for example, over-promise, in an effort to placate the demands of a needy member of the public whose day to day well-being depends on a particular program. Failure to deliver, especially on time, then causes anxiety for everyone involved and the pressures continue to increase.

I am frequently advised by government officials of a determination to impress upon the public that customer service is of vital importance. People are told "Your call is important to us," but messages go unanswered. In other cases, there is a pre-occupation with ensuring phone lines are answered promptly, but to the detriment of discharging other fundamental responsibilities.

I am aware of this prevailing situation because my office is in daily contact with hundreds of members of the public who have complaints, and an equal number of public servants who describe the conditions under which they are working, and which have given rise to the complaints.

Investigations of delay

During this past year I undertook comprehensive investigations into a number of government organizations which have drawn a significant volume of complaints from the public alleging delay in service delivery. The results of this investigation are attached as an appendix to this Annual Report and summarized at the beginning of the section on case stories.

As a means of applying a common tool of analysis, the investigations used a survey designed to assess whether there were problems with timely delivery of service over a period of time. We asked for statistical information that would indicate the agency's timeliness track

record over a period of years and any other relevant comments concerning strategies adopted to address service delivery challenges.

In many of the organizations examined there has been a steadily increasing workload, in some cases to overwhelming proportions, coupled with a stable or decreasing level of resources. From the evidence revealed in these investigations, it is demonstrably clear that at the root of the problem of delay is not an inefficient or uncaring public service, but rather insufficient resources to deliver an acceptable level of service. These agencies are quite simply lacking the tools to do their job.

While my investigations found delay at an unacceptable level in the majority of the agencies surveyed, I have not found an unwillingness on the part of the officials responsible to improve. Rather, I found great effort and creativity being applied toward doing the best possible job with the resources available. I also found a strong and admirable devotion to serving the people of Ontario.

The findings of these investigations are particularly relevant in view of the impact of unacceptable delays in service on vulnerable people. Many of the programs surveyed include among their client base significant numbers of individuals for whom timely service is vitally important. In an economy where so many are disadvantaged and left at the margins, the human consequences of poor service delivery of government programs can be disastrous.

Other investigation highlights

There are two other case stories in this Annual Report which highlight particular issues of concern. One of these is an update on the status of the Family Responsibility Office (FRO), formerly the Family Support Plan. As a follow-up to my investigation last year on the re-organization of this program, I have been monitoring the implementation of change at the agency. I found that the FRO continues to experience serious problems in its service delivery and has demonstrated a pattern of only addressing problems in those cases where it was contacted by clients. I found such service to be inequitable and inadequate, and have received an undertaking from the agency of specific measures to improve service.

I am also reporting a case story where it appeared that poor planning by government officials resulted in a situation of adverse impact discrimination for inmates and young offenders of colour at correctional facilities across the province. The announcement by the Ministry of the Solicitor General and Correctional Services of the cancellation of the Canteen Allowance Program triggered a series of events in which the implementation of this decision was inconsistent, resulting in inequitable treatment of inmates.

Recommendations for action on accountability

At a time when there is some uncertainty about what the principle of accountability actually means in practice, the public is rightly making vocal demands of institutions when they do not perform to a standard the public has come to expect. In a parliamentary system of government, it is Cabinet Ministers who are ultimately responsible. But there are other ways in which accountability can be measured.

I am making recommendations for action in five areas where I have identified, from the point of view of an Ombudsman, a critical need to build public confidence in our governmental institutions. These recommendations are set out in detail in separate articles below.



Standards of service. Based on the evidence from my investigations of delay, along with a trends analysis of complaints received this year, I am calling for a system-wide introduction of service standards to be adopted by all government organizations.

The reason for this is simple. If we believe in democracy, it is necessary to confront the view of those who say that because we are in a time of fiscal restraint we cannot always afford to be fair, or just, or to hold governments and institutions accountable to the public.

When public servants are unable to provide an adequate level of service, they have a responsibility to advise the public of two facts. There should be a clear statement of service standards they are able to provide with the resources at their disposal. And there should be reasons given when service does not meet these standards, as for example, insufficient resources. Public servants will be expected to demonstrate they have kept client service in focus when planning and implementing restructuring.

This declaration must be made clearly and publicly. The principle of openness and transparency is a key ingredient in our democracy. It ensures the public has access to information to exercise its responsibility of ensuring service is provided at levels consistent with public expectations. Disclosure of information may be the only way to close the gap between public expectations and service delivery - by encouraging a dialogue that results in either diminished expectations or an increase in resources. In the meantime, public servants should not be held responsible for a situation which is not of their making.

Tribunal appointments. A key area where accountability of public institutions is tested on an ongoing basis is in the appointments process for provincial agencies, boards, commissions and tribunals. It is essential that in all its actions with respect to appointments and re-appointments, government ensure there is no appearance of political or private influence. In part because of concerns which have been brought to my attention, I made a submission on this matter to the government's Agency Reform Commission, recommending a number of measures to preserve public confidence in the impartiality of the administrative justice system.

The right to an independent investigation of complaints. As I have indicated in previous annual reports, I am continuously reminded by people who bring their complaints to my office, that the availability of ombudsman complaint mechanisms is seen by the public as a measure of the willingness of government to hold itself accountable for the day-to-day actions of public servants. It is thus a measure of the health of our democracy.

So confident are the people of Ontario of this right of complaint, that every day they ask the Ombudsman for investigation and resolution of complaints about their dealings with Children's Aid Societies, about allegations of unfair treatment in hospitals, and about services delivered by municipalities. People are dismayed to find that a right which they hold dear is not available to them in these three sectors of public service, where essential programs are delivered, often to the most vulnerable people in our society. In some cases, for instance consumers of mental health services, this right has already been lost as a result of restructuring. I am calling on the government to provide a remedy for the gap in accountability in these three sectors.

By taking action to implement the above recommendations, the government and all parties in the Legislature will demonstrate a commitment to improve the accountability of our public institutions and to promote public confidence in these institutions. I am ready to assist any and all who are committed to this course of action.

Ombudsman year in review

It is necessary to qualify my report to the Legislature with a reference to the limitations on the capacity of my office to meet its mandate. My concerns about accountability, transparency and adequate service delivery are not only based on complaints and evidence from the public service. Ombudsman Ontario has itself experienced the stresses and strains I have described affecting others.

As the result of a dramatically reduced budget, our staff has been reduced, we have closed four regional offices and our public education efforts are curtailed. When I was told by the Legislature's

Board of Internal Economy our budget would be cut, I decided to introduce a system for managing the backlog of complaints I knew would occur.

Although we have not compromised the quality of service for those cases which are active, we make it clear to clients that their waiting time before investigation is a direct result of budget cuts to my office. And we advise them of when they can expect action on their complaint.

There is ample material in this report to show that the staff at Ombudsman Ontario are performing beyond what might be expected of them. We are all carrying a greater workload as complaints increase and we have fewer resources to address them. We restructured to take account of this reality and introduced many new ways of doing business to help us meet the relentless challenges that come our way.



I acknowledge with pride the dedication of the staff I work with. And on their behalf, I express appreciation to the many public servants who make our job easier, and to those members of the public who, in bringing forward their complaints, make an invaluable contribution to the pursuit of accountability in public administration.

Roberta Jamieson

Roberta Jamieson, Ombudsman

The following recommendations reflect the concerns outlined in the Ombudsman's Message and are made to the government and the Legislature of Ontario.

Standards of service

All governmental organizations be required to develop clear and concrete standards of service to address issues of accessibility, timeliness and quality. The standards should be publicized, especially at points of service delivery, so that members of the public are given information about how long they should have to wait, what kind of service to expect, and how to complain if services are not delivered fairly in accordance with the published standards.

The broad restructuring of public services underway in Ontario poses a challenge: to maintain public confidence as institutions and services are fundamentally transformed. With this challenge comes the opportunity to provide a system that is transparent and accountable, and that provides a way to close any gaps which may exist between what the public expects and the reality of what the public service is able to deliver.

This requires a system of standards for the delivery of every public service. The standards should be set by the organization responsible for delivering the service on the basis of consultations with stakeholders where appropriate. The standards should be as concrete as possible, and should set out reasonable expectations for:

- how services will be made accessible to people with diverse needs
- waiting times that clients can expect
- consistency in the quality of service that clients will receive

These standards should be publicized, particularly at points of service delivery, along with information about how those personally affected can effectively raise concerns about the service provided, and what further process is available to address unresolved concerns or complaints. Performance against these standards should be reported regularly, and the standards should be periodically reviewed to ensure that they are fair, realistic and appropriate.

Such a system of publicized standards

for services, combined with procedures allowing individuals to have service problems addressed fairly and impartially, will help to close any gaps between what the public expects and what the public service is equipped to deliver. This will assist in lowering levels of frustration among service users and stress among service providers, and consequently strengthen public confidence in the newly restructured public service.

Appointments

The government take all necessary steps to preserve public confidence in the impartiality of provincial tribunals by ensuring that the process of appointing, re-appointing and removing tribunal members is free of any appearance of political or private influence.

As Ombudsman it is my role to provide independent and effective recourse of last resort to persons who complain they have been unfairly treated in the administration of provincial public service. Impartiality is the cornerstone of fairness, particularly in the administration of regulatory and adjudicative tribunals.

In a submission made in November last year to the government's Agency Reform Commission concerning restructuring of provincial agencies, boards, commissions and tribunals, I emphasized certain basic principles that should guide this review:

"In our system of government, it is accepted that official decisions affecting an individual's rights and entitlements are to be made impartially and fairly on the basis of objective and relevant criteria. Objective decision-making is key to maintaining public confidence in our administrative justice system.

Of fundamental importance to the impartiality of tribunals are the process and practice for appointing and re-appointing tribunal members. In order for the public to have confidence that the decisions of a tribunal will not be influenced by political pressure, it is necessary to have a clearly articulated and transparent system that ensures appointments and re-appointments are made on objective, relevant and non-political grounds.

This can be achieved partly by ensuring that the chair of a tribunal has a leading role in the process and to ensure

that the appointments of tribunal members are made for a defined period of time. Terms should be long enough to provide members with some assurance that their positions will not be affected by their decisions on specific issues. There must also be clear and compelling reasons for removal of tribunal members."

I have taken note of concerns raised recently in the courts, legal publications and other public discussions regarding the need for the appointments procedure to secure the impartiality of tribunal decision-makers. This is an issue which affects the fundamental integrity of the administrative justice system.

Children's Aid Society

The government provide the Ombudsman with authority to investigate all unresolved complaints by members of the public who believe they have received unfair treatment from a Children's Aid Society.

Every year in my Annual Report there is a significant volume of complaints recorded concerning Children's Aid Societies. People who come to my office believing their children are in danger, or that they have lost custody unfairly are usually in desperate need of assistance. But Children's Aid Societies are not organizations which I have the jurisdiction to investigate. My role in relation to children's aid matters is restricted to review of complaints against government organizations involved in children's aid matters.

Children's Aid Societies must establish internal review procedures. There may also be judicial investigation and review of certain serious issues. However, there is a need for a general right of recourse to an independent office of last resort with powers of investigation to act on other complaints.

In its restructuring of programs and services, the government has undertaken to absorb 100% of the funding responsibility for child protection services, up from the previous 80% when this was a shared responsibility with municipalities. The government has also signalled its intention to promote the well being of children by creating a Minister responsible at Cabinet for children's issues and by its review of the Child and Family Services Act.

In view of the heightened awareness concerning various forms of child abuse and the terrible conditions of child poverty, there is great public interest in the role and function of Children's Aid Societies. To the extent the government is undertaking to provide increased co-ordination of child protection services, it should recognize the importance of accountability in the system and provide for access to independent investigation of complaints.

To ensure consistent standards of accountability across the province and to provide meaningful access to complaint resolution services, the government should direct that complaints about the operation of all Children's Aid Societies falls within the jurisdiction of my office.

Municipal Ombudsman

The government revise all relevant legislation to provide access to ombudsman services for individual complaints of unfair treatment by a municipality.

The government's stated intention to bring forward a comprehensive redesign of Ontario's municipal legislation presents a compelling opportunity to ensure that municipal administration is accountable to the public it serves. Financial accountability and general accountability through the electoral process do not replace the need for an independent and impartial review of individual complaints of unfair treatment by a municipal administration.

Complaints about municipal service delivery may be addressed internally, or through the intervention of an elected representative. However, when the department or agency in question deals with a complaint about itself, especially when it finds the complaint unfounded, members of the public will naturally doubt whether the matter was considered fairly and open-mindedly, without bias.

An Ombudsman has legislative powers to investigate all relevant information, to examine persons under oath where necessary, and to make a public report if the matter is not resolved. Councillors often do not have the necessary resources, powers, and perceived impartiality to investigate and resolve public complaints about administrative acts and omissions.

Each year in my Annual Report, I publish the totals of complaints that come to my office over which I have no authority and for which we try to provide referrals. Over the last several years the number of complaints relating to municipal issues, over which my office has no jurisdiction, has ranged annually from 1,825 to 2,736.

Maintaining accountability becomes especially important as municipalities are granted additional powers with more flexibility and fewer restrictions. Furthermore, as certain kinds of services are moved from the provincial to municipal level, as for example, with respect to social housing, the public will lose its existing right of complaint to the Ombudsman unless measures are taken to provide an independent mechanism for review of last resort. At a time of dramatic change in the public service, providing ombudsman services for municipal complaints will help to ensure continuing confidence in our public institutions.

Hospital Ombudsman

As the Ontario hospital and health care system is restructured, the government restore the right of complaint and independent investigation which some have lost in the process and extend this right to others.

In order to ensure that the needs of patients come first in the hospital system, there must be a credible and effective process for dealing with complaints from patients and their families, including independent recourse of last resort for investigating and resolving outstanding complaints. At

present most Ontario hospitals lack this type of accountability mechanism.

Under the hospital restructuring plans currently being implemented, several provincial psychiatric hospitals will no longer be operated directly by the Ministry of Health, and as a result the patients of these institutions have lost or will lose their right of complaint to Ombudsman Ontario.

The issue of accountability through an independent and impartial complaint review procedure is crucial for the entire hospital system, not only provincial psychiatric hospitals. It is in the nature of hospital services that the people using such services are often particularly vulnerable, and depend on the service for their health and well-being.

Although there are currently procedures in place to deal with individual complaints about a specific physician, nurse, or other health professional, complaints about other hospital services are not addressed through the professional discipline process. For example, there is no recourse for complaints about waiting times in hospital emergency rooms or refusal of service to persons who are marginalized.

At a time of dramatic change in Ontario's hospital and health care system, providing an independent and effective recourse of last resort, whether through a separate office or through Ombudsman Ontario, for persons who are not satisfied with the way their complaint was dealt with by a hospital, provides appropriate accountability, and helps ensure public confidence in the fairness of the entire complaints process.

Complaints and inquiries closed during 1997-98

	Verbal Complaints and Inquiries			Written Complaints and Inquiries			Total		
	97-98	96-97	95-96	97-98	96-97	95-96	97-98	96-97	95-96
Provincial	7,125	7,824	8,024	9,052	8,771	8,505	16,177	16,595	16,529
Municipal	1,951	1,923	1,825	331	354	452	2,282	2,277	2,277
Federal	1,687	1,668	1,603	207	200	252	1,894	1,868	1,855
Private	7,571	6,774	6,714	600	601	553	8,171	7,375	7,267
Courts	544	512	445	100	94	88	644	606	533
Other	139	245	399	32	46	40	171	291	439
Total Non-Provincial	11,892	11,122	10,986	1,270	1,295	1,385	13,162	12,417	12,371
Totals	19,017	18,946	19,010	10,322	10,066	9,890	29,339	29,012	28,900

Investigation of delay reveals inadequate service

The following article is a summary of the findings of delay investigations as outlined in the Ombudsman's Message.

The Ombudsman conducted comprehensive investigations this past year into eight government organizations which have been the subject of recurring complaints from the public alleging delay in service delivery.

Each organization was sent a survey and a detailed questionnaire designed to assess whether there were problems with timely delivery of service over a period of time. As a common tool of analysis, the survey allowed the Ombudsman to analyze performance across the organizations in reaching conclusions about the standards of service being offered. The organizations were asked to provide both quantitative and qualitative information, including strategies being applied to address any problems that were identified.

Of the eight organizations surveyed, five were found to be providing inadequate service to the public. These included: the Adoption Disclosure Register program of the Ministry of Community and Social Services; the Health Professions Board; the Ontario Human Rights Commission; the Social Assistance Review Board; and the Workplace Safety and Insurance Appeals Tribunal.

In each of these cases the Ombudsman recommended that the organization and the government Ministry involved take all necessary steps, including the securing of adequate resources, to enable the timely delivery of service to the public. Based on the responses, and commitments provided by the organizations and their Ministries to implement these recommendations, the Ombudsman concluded each investigation with notice that she will continue to monitor the organization's progress.

Highlights of the investigation results are outlined below.

Other investigations found that three government organizations which have been the subject of complaint are taking adequate measures to address issues of timeliness in their service delivery. These included the Employment Practices Branch of the Ministry of Labour, Ontario Student Assistance Program and the Trillium Drug Program. In each of these cases, the Ombudsman identified a number of concerns with program delivery during the investigation and received satisfactory assurances from the organization that her concerns were being addressed.

Adoption Disclosure Register

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

► The Ombudsman investigated and reported on issues relating to the timeliness of birth relative searches in 1994-95. At the time of the current investigation there was a backlog of over 16,000 registrants requesting birth relative searches. During the five years surveyed, the median age of requests to search for a birth relative at the time the search began was seven years. As of December 31, 1997 this median age had increased to 7.25 years.

- Despite the agency's efforts to address its chronic delay and backlog, it was the Ombudsman's view that further steps are needed to ensure that a timely search process is achieved.
- The Ombudsman concluded that the Ministry's omission to initiate searches for birth relatives in a timely manner is unreasonable and recommended that the Ministry take all necessary steps to ensure that the Adoption Disclosure Register program is provided adequate resources to enable it to process its birth relative searches in a timely manner.

Health Professions Board

MINISTRY OF HEALTH

► In 1993 the Ombudsman investigated a complaint about the length of time taken by the Health Professions Board (HPB) to process a request for review of a decision by a college of a health profession. As a result, the HPB took a number of steps to reduce the waiting period for complaint reviews. The current investigation revealed that over the last five years, the volume of complaint reviews received and carried over each year has increased substantially. The median time to process complaint reviews is now approaching two years.

► The HPB has repeatedly apprised the Ministry of Health in annual reports of concerns about its level of resources. It appeared the HPB had not received adequate resources to cope with the volume of complaint reviews which followed legislative changes in 1993.

► The evidence in this investigation showed that adequate staffing and stable membership are crucial for the HPB to exercise control over the complaint review process. There has been continuous turnover of Board members for the last three years and the HPB has been without its vice-chair for over two years. This instability has been disruptive to the Board's operations.

► Despite the efforts of the HPB to address its difficulties, the Ombudsman found the time taken to process complaint reviews is unacceptable and concluded that the omission to process complaint reviews in a timely manner is unreasonable.

► The Ombudsman recommended that the HPB take all necessary steps, including requesting additional resources, to ensure it is able to process complaint reviews in a timely manner. She also recommended that the Ministry of Health take all necessary steps to ensure that the HPB is provided with adequate resources to enable it to process complaint reviews in a timely manner.



Ontario Human Rights Commission

MINISTRY OF CITIZENSHIP, CULTURE AND RECREATION

- The Ombudsman completed investigations into timeliness at the Ontario Human Rights Commission (OHRC) in 1991 and 1993. She made a Special Report to the Legislature regarding problems at the OHRC in July, 1993. The current investigation focused on the timeliness of the OHRC's investigative process.
- The investigation revealed a large number of cases - 1,209 - two years and older that have been assigned for investigation but not yet referred to the Commissioners for a decision. The Ombudsman noted the passage of such time may have negative consequences for complainants and expressed the view that if human rights are to be preserved and protected, a timely and efficient system for managing complaints concerning violations of the Human Rights Code is essential.
- Despite the Commission's efforts over the last five years to address its workload, the Ombudsman found that the time taken to complete the investigation of complaints of discrimination is unacceptable. The OHRC is evaluating the impact of its recent initiatives on the timeliness of the processing of complaints. Statistical analysis indicated that the resources available to the OHRC have an impact on the capacity of the Commission to complete investigations in a timely manner. The OHRC suggested that additional resources would assist it in achieving a more manageable caseload before the year 2000.
- The Ombudsman concluded that the OHRC's omission to investigate complaints in a timely manner is unreasonable, and recommended that it take all necessary steps, including requesting additional resources, to ensure that it is able to investigate complaints in a timely manner. The Ombudsman also recommended that the Ministry of Citizenship, Culture and Recreation take all necessary steps to ensure that the OHRC is provided adequate resources to enable it to investigate complaints in a timely manner. As the OHRC is currently evaluating recent efforts toward

improvement, it was also recommended that the OHRC report back to the Ombudsman in six months and one year's time regarding its progress.

Social Assistance Review Board

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

- The Ombudsman investigated the Social Assistance Review Board (SARB) because of recurring complaints that reflect the fundamental importance of the program to those who depend on it, and the necessity of expeditious adjudication of appeals. While time frames for processing interim assistance applications have recently been reduced, the Ombudsman did not consider the availability of interim assistance to be a substitute for an efficient and timely appeal process.
- As of January 26, 1998 there were 6,742 outstanding open appeal files. SARB's clients are vulnerable and in many cases the appellant's livelihood is at stake. Despite improvements in its processing of appeals, the Ombudsman found that SARB's average processing time of seven months is unacceptable.
- The investigation revealed that the present resources available to SARB are not sufficient to enable it to deal with its appeals in a timely manner. The Ombudsman expressed concern that the human costs of untimely processing of social assistance appeals are not being adequately taken into account and that SARB does not advise appellants and respondents at an early stage about anticipated time frames.
- The Ombudsman concluded SARB's omission to process appeals in a timely manner and its omission to effectively communicate time frames for processing appeals to appellants and respondents is unreasonable. She recommended that SARB take all necessary steps, including requesting additional resources, to ensure that it is able to process appeals in a timely manner. The Ombudsman also recommended that the Ministry of Community and Social Services take all necessary steps to ensure that SARB is provided adequate resources to enable it to process its appeals in a timely manner. In addition, the Ombudsman recommended that SARB provide notice to appellants and respondents of the expected time frames for processing an appeal.

Workplace Safety and Insurance Appeals Tribunal

MINISTRY OF LABOUR

- In 1994/95, the Ombudsman reported on difficulties experienced by the former Workers' Compensation Appeals Tribunal (now known as the Workplace Safety and Insurance Appeals Tribunal, WSIAT) in processing appeals in a timely manner. The current investigation revealed that the resources available to WSIAT have a direct impact on its capacity to process appeals in a timely manner.
- During the five-year period surveyed, the median time taken to close a file doubled from 170 days to 340 days. In 1997, 5,085 appeals were received and another 3,519 were carried over from previous years, while only 3,042 appeals were decided. For 1998, WSIAT originally projected that it would receive 5,500 appeals. However, by February 1998, it had already received 2,700 appeals, which can be attributed to a recently legislated six-month time limit scheduled to take effect at the end of June, 1998.
- Despite numerous efforts the agency has made to address the timeliness of its appeals process, it was the Ombudsman's view that the time taken to process appeals is unacceptable. In these circumstances, it does not appear the backlog will be reduced in the near future. WSIAT advised the Ombudsman that it has requested a budget increase to address these issues.
- The Ombudsman concluded that WSIAT's omission to process appeals in a timely manner is unreasonable. She recommended that WSIAT take all necessary steps, including requesting additional resources, to ensure that it is able to process appeals in a timely manner. She also recommended that the Ministry of Labour take all necessary steps to ensure that WSIAT is provided adequate resources to enable it to process its appeals in a timely manner. In addition, she recommended that the agency report back in six months and one year's time on its progress.



mission

STATEMENT

In striving to achieve our Vision, Ombudsman Ontario is committed to the following goals for fairness and service:

- Investigate and resolve complaints efficiently
- Deliver relevant, timely, impartial and accessible services
- Foster objective standards of governmental administration
- Act as a resource to governmental organizations and the public to prevent future complaints
- Increase public awareness of Ombudsman Ontario's services
- Be ethical and accountable
- Encourage teamwork through consultation and communication
- Monitor and evaluate our organizational performance
- Realize individual potential through proactive human resource practices

Ombudsman Ontario is committed to the creation of equity in service provision, compensation and employment.

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Who We Are

Ombudsman Ontario helps people resolve problems by investigating complaints they have with provincial government ministries, agencies, boards, commissions and tribunals. The office cannot deal with matters regarding federal or municipal government, the courts, school boards and the private sector. Ombudsman Ontario is independent of the government and is a place of last resort when other approaches to resolve complaints have been tried. Services provided are confidential.

About our logo

This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms are coming together: one each for the public, the government and our office.



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Connection

Legislature appoints Clare Lewis as new Ontario Ombudsman

The Ontario Legislature has voted to appoint Clare Lewis, Q.C. as the province's new Ombudsman. The appointment took effect on January 30th.

Mr. Lewis was selected through a competition process overseen by an all party Standing Committee of the Legislature. His nomination was supported unanimously by all members of the committee and was subsequently confirmed by a unanimous vote of the Legislature.

Mr. Lewis has taken up this post following a distinguished career as a lawyer, judge and public servant. At the time of his appointment he was the Chair of the Alcohol and Gaming Commission of Ontario. Prior to this he served as the province's first Police Complaints Commissioner, after having been for five years the Public Complaints Commissioner responsible

for resolution of complaints regarding members of the Metropolitan Toronto Police Force. His work in this role followed a period of six years when he served as a judge of the Provincial Court, Criminal Division. (See page 2 for a full biography.) Mr. Lewis will serve as Ombudsman for a term of five years.

The all-party appointment process established by the Legislature followed a recommendation made by Roberta Jamieson in her final annual report as Ombudsman in June last year. Ms. Jamieson had called on the Legislature to ensure the appointment of her successor was made "accessible to any who might seek it" as a means of protecting the independence and credibility of the Ombudsman office. The Legislative Assembly published newspaper advertisements seeking applicants for the position.



Clare Lewis, Q.C.

Ms. Jamieson ended a ten-year term in October. Fiona Crean, Ombudsman Ontario's Executive Director, was appointed Ombudsman on a three-month interim basis as the Standing Committee worked to complete its appointment process. The Legislature voted to amend the Ombudsman Act to reduce the term of office from ten years to five in late 1999.

OMBUDSMAN ONTARIO CELEBRATES 25th ANNIVERSARY

In October of this year, Ombudsman Ontario will celebrate its 25th anniversary as an office established by the Ontario Legislature. This occasion will be marked by events that will highlight the importance of this institution in ensuring accountability in public administration as a vital feature of our democracy. The following is a brief outline of the history of the Ombudsman's office.

As early as 1962, the Ontario Legislature discussed the possibility of establishing a place of last resort, independent of the provincial government, to which the public could bring complaints about the administration of government.

Mr. Vernon Singer, the Liberal Member from Downsview, introduced a private member's Bill in 1965, calling for the appointment of a "Parliamentary Commissioner" to investigate administrative decisions and acts of officials of the provincial government and its agencies. After debate of the Bill at Second Reading, it died on the Order Paper.

Mr. Singer did not give up and introduced his Bill in ten consecutive sessions of the Legislature. Each time the Government declined to take any action. By then, six provincial governments already had appointed Ombudsman: Alberta (1967); Saskatchewan (1972); Manitoba (1970); Quebec (1968);

New Brunswick (1967) and Nova Scotia (1970).

On March 11, 1975, the Lieutenant-Governor, Her Honour Pauline McGibbon, read Ontario's Speech from the Throne and in it promised the appointment of an Ombudsman. According to Hansard, Mr. Singer briefly interrupted the Speech with "solitary desk thumping." The Premier at the time was William Davis.

Bill 86 was soon introduced and debated in the Legislature. It finally became *The Ombudsman Act* when it received Royal Assent on July 3, 1975. On July 4, 1975, members of the Legislature unanimously

continued on page 2

Biography

CLARE LEWIS, Q.C.

Prior to his appointment as Ombudsman, Clare Lewis was Chair of the Alcohol and Gaming Commission of Ontario. He was appointed as Chair of the Gaming Control Commission on April 20, 1994, and as Chair and Chief Executive Officer of the Liquor Licence Board of Ontario on October 25, 1995, a position which he held concurrently with that of Chair of the Gaming Control Commission until February 23, 1998, when those offices were merged into the newly created Alcohol and Gaming Commission of Ontario.

Mr. Lewis received a B.A. in 1960 and an LL.B. in 1963 from the University of Toronto. He has an LLM. degree from Osgoode Hall, Toronto, which he received in 1986. He is a lawyer, called to the Bar of Ontario in 1965. His practice was primarily restricted to criminal law.

From 1965-1975 he was a defence counsel. He was a prosecutor from 1975-1979. He was appointed Queen's Counsel in 1978 and judge of the Provincial Court (Criminal Division) in 1979, serving until October of 1985, when he resigned as a judge to become Public Complaints Commissioner, responsible, pursuant to provincial legislation, for the resolution of public complaints against members of the Metropolitan Toronto Police Force. He was appointed as Police Complaints Commissioner for Ontario in December of 1990 under the provisions of the Police Services Act which expanded his jurisdiction for the resolution of public complaints against the police to all 115 police forces and to every officer in the province of Ontario. In April of 1994 he resigned as Police Complaints Commissioner to become Chair of the Gaming Control Commission.

Throughout his career, Mr. Lewis has been active in professional organizations. At the time of his appointment as Public Complaints Commissioner in 1985, he was the President of the Provincial Judges' Association – Ontario (Criminal Division). He served as President of the International Association for Civilian Oversight of Law Enforcement (IACOLE) from October of 1987 to October of 1989. From February of 1992 until April of 1994, Mr. Lewis was a member of the Board of Governors of the Canadian Centre for Police-Race Relations, a body funded and supported by the federal and some provincial governments and having representation from government, police and racial minority and aboriginal communities. He also served previously as a member of the Agency Sector Advisory Council which was established to advise the Agency Sector Coordination Unit on the implementation of the recommendations of the Ontario Agency Reform Commission. He is currently Co-Chair of the Education Committee of the Society of Ontario Adjudicators and Regulators (SOAR).

In December of 1988, in response to a police and community crisis in the wake of certain police shootings of racial minorities, Mr. Lewis was appointed by the Solicitor General of Ontario as Chair of the Race Relations and Policing Task Force, which submitted its report on April 11, 1989. In July of 1992, the Premier and the Solicitor General of Ontario asked Mr. Lewis to reconstitute the Task Force and report as to the status of implementation of its previous recommendations. The Task Force submitted its second report on November 25, 1992.

In December of 1991, the Canadian Bar Association – Ontario named Mr. Lewis as recipient of its Award for Distinguished Service – 1991 for his work as Police Complaints Commissioner and as Chair of the Task Force in making exceptional contributions to the development of law in Ontario, and in securing a significant law-related benefit for the residents of Ontario.



Anniversary... continued from page 1

requested that Mr. Arthur Maloney, Q.C. be appointed as Ombudsman.

Mr. Maloney was sworn in on October 30, 1975. In his address to the Legislature after his swearing-in, he cited Mr. Vernon Singer as "the pioneer in the field of legislation relating to the office of the Ombudsman."

Those who have previously served as Ombudsman:

Mr. Arthur Maloney, Q.C. (1975-1979)

Mr. Justice Donald Morand (1979-1984)

Dr. Dan Hill (1984-1989)

Ms Roberta Jamieson (1989-1999)



André Marin, the Department of Defense Ombudsman (left), recently spoke to an Ombudsman Ontario staff conference where he outlined the achievements of his office since its inception almost two years ago. He was joined on a panel discussing models of Ombudsman-ship by Ryerson University Ombudsperson Liz Hoffman and Michael Lauber, the Canadian Banking Ombudsman (below).



Transition and renewal provides focus at Ombudsman staff conference

For two and a half days at the end of February Ombudsman staff gathered for an annual event to focus energies on the twin challenges of transition and renewal following the appointment of a new Ombudsman. The conference agenda combined a mix of presentations by outside guests, staff panels and workshops, all designed to support the many different types of work performed in the office.

Highlights included panel discussions on "Models of Ombudsman-ship," "The Changing face of Toronto" and "Former Inmates – Overcoming Barriers to Re-integration." These panels featured invited guests who presented a wide range of material and facilitated very animated discussions with staff. There was also a presentation by representatives from the Ontario Disability Support Program and a workshop on conflict resolution techniques by an outside consultant.

Ombudsman staff led presentations on a variety of topics including

cross-cultural communicating strategies, changes and challenges in the correctional system, regional office activities, and communications and systems update.

A special highlight was the staff social which enabled everyone to renew friendships in a relaxed atmosphere while continuing discussions generated at the conference. A total of eighty five staff were in attendance, representing six Ombudsman offices from around the province.



COA pushes for federal Ombudsman

The Canadian Ombudsman Association (COA) is continuing its efforts to promote the creation of a general federal Ombudsman by holding discussions with officials of the federal department of Justice.

Barbara Tomkins, the Saskatchewan Ombudsman and recently elected COA president (replacing former Ontario Ombudsman Roberta Jamieson), is leading a committee that is working to establish a process with the office of the federal Minister of Justice, Anne McLellan, to review the COA proposal.

Last year the COA released a discussion paper on the need for a federal Ombudsman and held meetings with members of parliament and other interested parties working at the federal level. The paper pointed out that provincial Ombudsman offices regularly receive complaints directed at federal government programmes and services for which there is no independent mechanism with investigative authority and jurisdiction.

The discussion paper is available at Ombudsman Ontario's web site. The COA membership is comprised of provincial and territorial government Ombudsman offices, with associate member status granted to various non-government ombudsman institutions.

At the recent Ombudsman Ontario staff conference, Dan Clement, the Director of New Initiatives at the United Way of Greater Toronto, presented research published in the United Way's report "Toronto at a Turning Point." As the author of the report, he painted a fascinating picture of the dramatic demographic and social changes occurring in the Toronto area. He was joined for a panel discussion on the changing face of Toronto by speakers from the City of Toronto and the Community Social Planning Council.



Ombudsman staff gather at a recent conference to focus on transition and renewal.

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Honouring the children



Ombudsman Clare Lewis (right) discussing the Quilt of Honour with Susan Hess (centre) and Anne Keefer of Parents for Children's Mental Health. The quilt, created by Hess who is also the president of the organization, and Joy Hansen (not shown), honours all children with mental illness - those who are alive and those who have died. The paper doll chain figures in red represent children who have received help or those who are waiting for help while the white figures are representative of those children who have taken their own lives. Parents for Children's Mental Health works with families, the general public, mental health professionals and agencies, and government to provide education, support and advocacy. Mr. Lewis was a speaker at the Children's Mental Health Ontario's 2003 Conference held in Toronto in May.

Photo by Tony Diniz

Ombudsman's Annual Report cites gaps in services

Ombudsman Clare Lewis Q.C. expressed concern about the consistency and adequacy of services provided to vulnerable individuals at a press conference on the release of his 2002-2003 Annual Report in mid-June. The Ombudsman

identified cases that highlight gaps in services that have significant impact on vulnerable Ontarians.

Ombudsman Ontario received a total of 21,757 complaints and enquiries over the 2002-2003 fiscal year. The largest number of complaints and

enquiries were received about correctional facilities (7,271), the Family Responsibility Office (the FRO) (1,335), Workplace Safety and Insurance Board (790), the Ontario Disability Support Program (601), Workplace Safety and Insurance

(continued on page 1)

Appeals Tribunal (213), Ontario Student Assistance Program (212), Ontario Human Rights Commission (183), Ministry of Transportation - Driver Licensing (175), Ontario Rental Housing Tribunal (167), Legal Aid Ontario (151) and Hydro One Networks Inc. (133).

"A hallmark of a democratic society is that individuals have a right to complain about the delivery of public services and have their complaints independently reviewed," said Mr. Lewis. He urged government to consider establishing independent complaint resolution mechanisms to assist vulnerable individuals, particularly in the areas of health care and education.

The Annual Report is available online at www.ombudsman.on.ca or on CD-ROM by calling the Communications Office at 416-586-3353.



OMBUDSMAN ONTARIO

Recipients of the 2003 Annual Ombudsman Ontario Public Service Recognition Award received their awards from the Ombudsman in April in recognition of their outstanding public service in complaints resolution. From left to right, Jim Aspiotis, Ministry of Public Safety and Security, Linda Hoard and Liz Stayer of the Ministry of Training, Colleges and Universities, Clare Lewis, Q.C., Ombudsman, Voy Stelmaszynski, Ministry of Labour, Jean Rae, Ministry of Community, Family and Children's Services and Superintendent Michael Coté, Ministry of Public Safety and Security.

Photo by Casimir Bart



Peggy Edwards, Executive Director of Skills For Change, accepts a certificate from Ombudsman Clare Lewis at the launch of the Community Connection Lunch and Learn Series. Ms Edwards was the inaugural guest speaker at the event hosted by Ombudsman Ontario's Community Education Program. Speakers from various community organizations share information and concerns about the communities they serve with Ombudsman staff.



Quebec Legislative Interns visited Queen's Park in May to gain a greater understanding of Ontario's political structure and government. While in Toronto they attended an information session with the Ombudsman. Mr. Lewis is joined by Ariane Beauregard, Stephanie Yates, Sophie Doucet and Gabriel Jean-Simon.

Case summaries

Ministry of Community, Family and Children's Services *The Family Responsibility Office*

Ms Z complained to the Ombudsman because she had not received her support payments for two months and despite many attempts, she had been unable to reach the Family Responsibility Office (the FRO) by telephone to find out where her money was. Ombudsman Ontario staff contacted the FRO, which advised that it had tried unsuccessfully to deposit money directly into Ms Z's bank account. No one at the FRO had taken note of the problem and Ms Z's money was being held in suspense. As a result of the Ombudsman's enquiry, Ms Z's case was reviewed further by the FRO and the money was mailed to her the same day.

Ontario Disability Support Program

Ms D's children live with her for one month during the summer. As a result of this arrangement, the Ministry advised her that half of the amount her former spouse was receiving for the Canada Child Tax Benefit would be deducted from her ODSP cheque. Ms D complained to the Ombudsman that this was unfair. An Ombudsman Representative contacted the Ministry and spoke to a supervisor. Consequently, the supervisor reviewed the file again and the money that had been deducted was returned to Ms D.

Ministry of Health and Long-term Care

Ontario Health Insurance Plan

Mr. P complained to the Ombudsman that he was having difficulty replacing his Ontario Health Insurance Plan (OHIP) card. Mr. P claimed that the local OHIP office refused to accept his birth certificate as identification, because it was on a piece of paper rather than wallet-sized. He also claimed the Ministry of Health and Long-Term Care had refused to accept other identification as proof of his identity. Within minutes of Ombudsman staff contacting the Ministry of Health and Long-Term Care, the Ministry informed Mr. P that it would make arrangements with the local office for him to receive a new card. An appointment was made for Mr. P to attend the local office the next day for that purpose.

Ministry of Labour *Workplace Safety and Insurance Board*

Mr. O contacted the Ombudsman to complain about the Workplace Safety and Insurance Board's (WSIB's) delay in making a decision regarding his claim for compensation.

Mr. O stated that he had been leaving messages for his WSIB adjudicator, who was not returning his calls. Mr. O stated the WSIB had lost several of the documents he had sent, including his doctor's report. He stated he had spoken to a manager who had informed him that his claim was rejected because there was no

employer's report and no doctor's report. Mr. O insisted he had provided the doctor's report and his doctor confirmed that WSIB had already paid for the report.

Mr. O stated he had a \$400 physiotherapy bill that needed to be paid and he required more physiotherapy for his injury to heal properly. Mr. O agreed to provide WSIB with another doctor's report. However, Mr. O subsequently called our office stating that after he submitted a second doctor's report, he was unable to reach his adjudicator to obtain an update on his file. Shortly after Ombudsman staff contacted the adjudicator, Mr. O's claim for physiotherapy as well as one day's pay for lost time was allowed.

Ministry of Public Safety and Security

Correctional Services

Mr. I had been transferred from a provincial to a federal correctional facility. He complained to our office that his property was not transferred with him. Ombudsman staff contacted the facility, which confirmed that the property had remained in Toronto. The facility explained this was caused by the labour disruption, which had ended approximately two months before. As a result of the Ombudsman's intervention, Mr. I's property was returned to him.

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mission

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Ombudsman provides global perspective

Unlike persons in many other public positions, such as judges, crown attorneys, deputy ministers or members of a legislative assembly, the Ombudsman does not have the collegial advantage of discussing problems and sharing experience with similarly appointed or elected persons in his or her jurisdiction. In most provinces and countries, there is only one Ombudsman of general jurisdiction. This reality has given rise to a clear need for Ombudsman to engage nationally and internationally with those who perform similar functions for the purpose of learning from their practices and experiences.

Delegations from international Ombudsman offices continue to visit Ombudsman Ontario to seek our advice and, on occasion, to work with our staff for brief periods. We have been pleased to host such groups, not only because we have 27 years of experience which may be of value to interested persons, but also because we recognize that we have a real opportunity of learning from them as well. Since I have been Ombudsman, we have received visitors from Ombudsman offices, or from Legislatures which are interested in the creation of Ombudsman offices, from Germany, the Czech Republic, Japan, New Zealand, Korea, Ethiopia, Malta, Taiwan, Thailand and



Ombudsman Clare Lewis is greeted by members of the Taiwan Control Yuan on his arrival at their offices. Mr. Lewis, who is also the Secretary of the International Ombudsman Institute (IOI) was the invited guest of the Control Yuan. His visit included an address to its members on issues relating to the Ombudsman experience in Canada, and on IOI matters. Dr. Frederick Chien (centre), Control Yuan President, Mr. Meng-ling Chen (far right), Vice-President and Dr. Louis R. Chao (second from the left), Chair of the International Affairs Committee, welcome Mr. Lewis to Taipei.

Namibia. Our office continues to benefit from ongoing consultation with Ombudsman and their staff from across Canada. They are always available to provide needed information and advice.

The International Ombudsman Institute (IOI) was established in 1978 with its Secretariat at the Faculty of Law, University of Alberta, in Edmonton. One hundred and seventy-five Ombudsman offices worldwide hold Voting Membership in the IOI and its Board of Directors is composed of Ombudsman representing 13 countries and all

regions of the world. I was appointed to the position of IOI Secretary in October 2001. French, English and Spanish are the official languages of the IOI and, when possible, its publications are available in each of those languages. Many governments look to the publications and research of the IOI in considering whether and how an office of the Ombudsman ought to be established in their jurisdictions.

During the past several years, many emerging democracies in Latin America, Eastern Europe, Africa, Asia

and the Pacific Region have created Ombudsman offices as a means of supporting and entrenching democratic principles in their countries. They have typically looked to the international Ombudsman community, as best represented by the International Ombudsman Institute, for advice. Azerbaijan has recently elected its first Ombudsman, and efforts are now underway to seek assistance from Ombudsman offices internationally, including Ombudsman Ontario, in developing the necessary infrastructure of the new office to enable it to perform its functions appropriately.

In late September, a delegation from the Bureau of Letters and Complaints under the State Council of the People's Republic of China who wish to consult on Ombudsman Ontario's organization, function, management systems and operating mechanisms will be visiting our office in Toronto.

Lebanon, having been severely impacted by civil strife, is now considering the establishment of an Ombudsman as one means of providing transparency in its restoration of democracy. In May, the Government of Lebanon invited several Ombudsman from around the world to attend in Beirut for the purpose of consulting on the possible establishment of an Ombudsman. I was privileged to be invited as a guest of the Lebanese Government for that purpose. The European Union, the Lebanese Bar Association and human rights groups have been pressuring Lebanon to establish an Ombudsman. All invited Ombudsman provided papers in advance. Our papers were delivered

before a very large audience including Ambassadors from the countries which we represented. Debate was vigorous and conducted in Arabic, French and English. The Minister of State for Administrative Reform of the Government of Lebanon is clearly a committed advocate for the need for an Ombudsman for that country, as evidenced by his convening of this significant consultation.

Taiwan has a unique Ombudsman organization known as the Control Yuan. Unlike most Ombudsman offices, it is collegial in nature, having 29 members, all appointed with the consent of the Legislative Yuan. The Control Yuan is led by a President and Vice-President and in 1994 became a Voting Member of the International Ombudsman Institute. The Control Yuan has been active in reaching out to other Ombudsman offices, both to receive and to provide valuable advice on Ombudsman issues.

In September of this year I was invited as a guest of the Control Yuan to address its members in Taipei on issues relating to the Ombudsman experience in Canada, and on International Ombudsman Institute matters. I am pleased to note that I gained at least as much information and advice from the Control Yuan for the purposes of Ombudsman Ontario as I was able to impart to its members during my visit.

At the request of the International Ombudsman Institute, our office prepared a draft curriculum for Ombudsman investigator training. That curriculum was presented in pilot form at a training session

attended by investigators from eight southern African countries in Namibia in August 2001. It was then provided to the Board of the IOI, together with an evaluation report for its consideration. Regional Vice-Presidents of the IOI distributed the draft curriculum to their regional members for their comments. This was an important process because it is intended that the final product be used internationally for training Ombudsman investigators and it must be both adaptable and useful for local Ombudsman.

In light of the advice and all other recommendations received, our office has now completed a thorough revision of the draft curriculum and it has been provided to the President and the Regional Vice-Presidents of the IOI for their further consideration and, if appropriate, approval. It is intended that the IOI have an approved Ombudsman Investigation "Train the Trainers" Manual available for the use of its members internationally. This office has been pleased to undertake this project both as a contribution to the work of Ombudsman internationally and as a means of enhancing our own capacity to fulfil our mandate.

As the understanding and need of an Ombudsman's function continues to gain momentum around the world, I have found these information sharing opportunities to be of considerable value in promoting Ombudsman learning and development both here at home and abroad.



Clare Lewis, O.C., Ombudsman

Case summaries

Ontario Human Rights Commission

Ms Y contacted our office to complain about the Ontario Human Rights Commission. Following a review of the Commission's file, it appeared that Ms Y may have made a submission to the Commission that was not considered by the Commissioners when making their decisions on her case. Our office contacted the Commission to discuss this matter. As a result, the Commission advised the parties that it may have breached its duty of procedural fairness and indicated that the matter would be returned to the Commissioners with a recommendation that its original decision be declared invalid.

Family Responsibility Office

Mr. D complained that he no longer owed child support and that he had been trying to get his FRO file closed for six months. When an Ombudsman staff contacted the FRO it acknowledged that support should have ended six months previously. Mr. D was mailed a credit balance of \$600.

Ministry of Health and Long-Term Care

Ms W had recently undergone surgery, which was unsuccessful. She complained that the Ministry of Health and Long-Term Care denied her coverage for corrective surgery

under the Ontario Health Insurance Plan on the basis that the surgery had already been paid for. Ms W was also advised that if the second surgery was approved, it would have to be performed by the same doctor. Ms W was concerned about this since she did not want to have the second surgery done by the same doctor who had operated initially. After a number of months of dealing with the Ministry and her doctor, Ms W contacted our office. An Ombudsman Representative spoke with a Ministry medical consultant. As a result, Ms W's file was reviewed and the surgery approved on the same day.

Ministry of Correctional Services

The Ombudsman considered the appropriateness of Ms D's placement and treatment while in a correctional facility. Ms D suffers from a mental illness and severe hearing loss. A third party wrote to the Ombudsman expressing concern that Ms D was placed in a segregation cell located behind two heavy doors and could be heard yelling and screaming throughout the night.

Our investigation revealed that Ms D was placed in a single segregation cell for most of the two months she spent at the facility. She did not receive regular access to showers or daily fresh air required under Ministry of Correctional Services' policy. The facility had attempted unsuccessfully to have Ms D transferred to an institution that could more appropriately accommodate her needs.

The Ombudsman tentatively concluded that the Ministry had failed to provide Ms D with a proper placement and recommended that the Ministry should ensure that inmates with special needs are placed in appropriate facilities. The Ombudsman tentatively recommended that the Ministry take steps to ensure that staff comply with Ministry policies relating to administrative segregation. The Ombudsman also expressed concern regarding the adequacy of the facility's transfer documentation.

In response, the Ministry acknowledged that the conditions of Ms D's confinement had not met expected levels of care and agreed to implement the Ombudsman's recommendations. In future, superintendents and health care coordinators will assess inmates identified as having special needs upon admission and determine whether they can accommodate the individual. If not, a properly documented transfer request will be submitted to an appropriate facility. In order to ensure that inmates receive their proper entitlement to showers and exercise while in segregation, and that record-keeping is satisfactory, superintendents will be instructed to conduct annual audits. Deficiencies will be followed up by the Ministry's Audit Branch.

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